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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1886 OF 2006

Mr. Lalchand Ramdayal Soni & Anr. ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. S.A. Sawant for the petitioner.

Mr. S.R. Borulkar, Public Prosecutor for respondents 1 to 4 and 10.

Mr. V.R. Randive with Mr. P.M. Havnur for respondents 6 to 9.

Mr. G.W. Mattos for respondent 13.

Mr. S. Bhattacharya, Special Public Prosecutor with Mr. J.C. Satpute, for CBI – respondent 14.

Ms. Alpa Jhaveri i/b Mr. S.H. Ujjainwala for respondents 11 and 12.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 2ND APRIL, 2007.

P.C.:-

1. By a detailed order dated 22/11/2006, the Division Bench of this court (S.B. Mhase and S.R. Sathe, JJ) directed that the investigation in C.R. No.281 of 2006, which was being conducted by respondent 10 – Mr. M.N. Bodkhe, Investigating Officer, Khar Police Station, be transferred to CBI, Bombay Branch. Respondents 1 to 4 were also directed to hold appropriate inquiry into

the conduct of respondent 10 while dealing with the present crime and they were directed to take appropriate action against respondent 10. The report of the action taken against respondent 10 was to be submitted to this court within a period of one year from the date of the said order. The CBI was also directed to file application for cancellation of anticipatory bail which has been obtained by respondents 6 to 9.

2. We have heard Mr. Sawant, the learned counsel appearing for the petitioners. We have heard Mr. Bhattacharya, the learned special public prosecutor appearing for CBI – respondent 14. We have also heard Mr. Randive, the learned counsel for respondents 6 to 9. Since the investigation is transferred to CBI, we expect the CBI to carry out the directions given by this court in its order dated 22/11/2006. Mr. Bhattacharya, the learned special public prosecutor for the CBI states that the CBI will follow all directions given in the said order. He states that the investigation of this case will be entrusted to the Superintendent of Police, Special Crime Branch, Belapur, CBI, Mumbai. He further states that the Superintendent of Police so appointed shall carry out investigation as directed by this court and shall take steps as per the orders of this court. He further states that the CBI shall complete the investigation within a period of six months. Mr. Borulkar, the learned Public Prosecutor states that respondents 1 to 4 shall also follow all the directions which are given in the order dated 22/11/2007 which pertain to respondent 10. Mr. Borulkar, the learned public prosecutor states that as directed by this court, the report of the inquiry conducted by respondents 1 to 4 shall be

submitted to this court upon conclusion of the inquiry. We accept the statements made by Mr. Borulkar and Mr. Bhattacharya. We are satisfied by the statements made by the learned counsel. In view of the said statements, we feel that the present petition has worked itself out.

3. We, however, make it clear that all contentions of both sides are kept open. Needless to say that the parties will be at liberty to adopt any appropriate remedy which may be available to them after the investigation is completed and the report is submitted to this court. The State authorities and Mr. Bodake - respondent 10 shall transfer all the investigation papers to CBI for the purpose of further investigation within a period of two weeks from today.

4. The petition is disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]